

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 8734 OF 2004

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders.

Court's or Judge's orders

Mr. A.B. Borkar for Petitioner.

Mr. G.N. Salunke for Respondent No. 2.

Mr. A.H. Palekar, A.G.P. for Respondent
Nkos. 3 to 5.

CORAM : F.I. REBELLO,J.
DATED : JANUARY 20, 2005

P.C.

Rule. Heard forthwith.

. The Petitioner bank challenges the order
of 28.7.2004 whereby the objection raised
by the Petitioner Bank that the revision
was beyond the prescribed period of
limitation has been rejected. The
certificate was obtained by the petitioner
Bank on 7.1.1998. The only challenge to
the certificate would be by way of
revision. The revision has to comply if
applicable, provisions of Section 154A of
the Cooperative Societies Act. The
revision was preferred on 15.6.2004.

Explanation sought for not filing revision within prescribed time was that the dispute has been raised under Section 91. That dispute has been filed on 10.3.2000 and disposed of on 15.6.2004. The Petitioner had still to explain the period between 7.1.1998 to 9.3.2000. There has been no consideration by the revisional authority on that aspect. In the light of that, following order :

. The impugned order is set aside. The matter is remanded back to the revisional authority to consider both whether revision is barred by limitation and if so delay can be condoned and secondly whether in the absence of compliance with requirement of Section 154A, revision was maintainable. Rule made absolute accordingly. No order as to costs.

(F.I. REBELLO,J.)